

# State of South Dakota

## EIGHTY-FOURTH SESSION LEGISLATIVE ASSEMBLY, 2009

400Q0196

### SENATE BILL NO. **60**

Introduced by: The Committee on Commerce at the request of the Public Utilities Commission

1 FOR AN ACT ENTITLED, An Act to authorize the Public Utilities Commission to implement  
2 and comply with certain federal energy acts.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 49-34A-93 be amended to read as follows:

5 49-34A-93. The commission may implement and comply with the provisions of the Public  
6 Utility Regulatory Policies Act of 1978, as amended to January 1, ~~2006~~, and 2009, the Energy  
7 Policy Act of 2005, and the Energy Independence and Security Act of 2007 and may promulgate  
8 rules pursuant to chapter 1-26 consistent with these acts. The commission may implement  
9 policies or promulgate rules to establish the following:

10 (1) Standards requiring a public utility to offer each of ~~its~~ the utility's customer classes,  
11 and provide individual customers upon customer request, a time-based rate schedule  
12 under which the rate charged by the electric utility varies during different time  
13 periods and reflects the variance, if any, in the utility's costs of generating and  
14 purchasing electricity at the wholesale level;

15 (2) Standards requiring a public utility to make interconnection service available on



1 request to any electric customer that the utility serves;

2 (3) Standards requiring a public utility to develop a plan to minimize dependence on one  
3 fuel source and to ensure that the electric energy it sells to consumers is generated  
4 using a diverse range of fuels and technologies, including renewable technologies;  
5 ~~and~~

6 (4) Standards requiring a public utility to develop and implement a ten-year plan to  
7 increase the efficiency of its fossil fuel generation;

8 (5) Standards or policies requiring a public utility to integrate energy efficiency resources  
9 into the utility's planning process and to adopt policies establishing cost-effective  
10 energy efficiency as a priority resource;

11 (6) Standards or policies allowing a public utility's rates to align utility incentives with  
12 the delivery of cost-effective energy efficiency and promote energy efficiency  
13 investments;

14 (7) Standards or policies requiring prior to investing in nonadvanced grid technologies,  
15 that a public utility consider investing in a smart grid system; and

16 (8) Standards or policies requiring public utilities to provide smart grid information  
17 regarding electricity prices, usage, and sources of power to customers.

18 Any order adopted by the commission prior to January 1, 2006, pursuant to these acts, is  
19 hereby validated.